

REMARKS

Claims 1-12, 14 and 15 were pending in the case. Upon entry of this Amendment, Claims 1-12, 14, 15 and 16 will be pending in the case.

First, Applicants acknowledge with appreciation that Claim 6 is indicated in the Office Action to be allowable if rewritten in independent form. Applicants have done so in the form of newly added Claim 16.

Applicants acknowledge with appreciation that Claims 7-9, 11 and 14 are indicated to be allowable when the rejections under 35 U.S.C. Section 112, second paragraph have been overcome. Applicants believe the foregoing amendments do just that and that the claims are in condition for allowance.

Paragraph 2 of the Office Action rejects Claims 1 and 2 under 35 U.S.C. Section 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. The rejection is directed to Claim 4, where certain radicals are defined as "optionally substituted alkyl" and the Office Action questions "optionally substituted by what".

In response, Applicants respectfully traverse the rejection, alleging that the claim as it stood prior to amendment was clear to one skilled in the art. However, to remove issues from the case, Applicants have amended radicals R¹⁴, R¹⁶, and Z¹ to more further define the radicals, thereby obviating the rejection. The radical R²⁰ is no longer in Claim 4 as amended, but where it appears in new Claim 16, it is more narrowly defined than "optionally substituted alkyl", again obviating this ground of rejection.

Paragraph 4 of the Office Action rejects Claims 1-3 under 35 U.S.C. Section 112, first paragraph alleging that while enabling for fungi, the specification is not enabling for controlling all organisms.

In response, Applicants respectfully traverse and respectfully assert that the claims as they stood prior to this amendment were fully enabling to one skilled in the art. However, to remove issues from the case, Applicants have amended Claims 1-3 to limit them to micro-organisms. Support for this amendment may be found, among other places, on page 30, line 20 of the specification.

Paragraph 5 of the Office Action rejects Claim 12 under 35 U.S.C. Section 112, first paragraph alleging that while enabling for fungi, the specification is not enabling for controlling all organisms.

In response, Applicants respectfully traverse and respectfully assert that the claims as they stood prior to this amendment were fully enabling to one skilled in the art. However, to remove issues from the case, Applicants have amended Claim 12 to limit it to micro-organisms. Support for this amendment may be found, among other places, on page 30, line 20 of the specification.

Paragraphs 6 through 8 of the Office Action reject Claims 4 and/or 5 over the references cited therein.

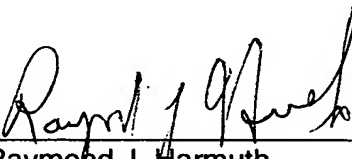
Applicants have amended Claims 4 and 5 to define the radical Z¹ with greater particularity, and as amended, it is believed the claims overcome the rejection. Withdrawal of the rejection in light of the amendments to the claims is respectfully requested.

Paragraphs 9-10 of the Office Action reject Claim 10 under 35 U.S.C. Section 102(b) over the references cited therein. Again, as amended, it is believed that Claim 10 now overcomes the rejection, and withdrawal of the rejection of Claim 10 is respectfully requested.

Paragraph 11 of the Office Action rejects Claim 15 under 35 U.S.C. Section 102(b) as anticipated by Tokutake, referring to process (a) set forth in the claim. Claim 15 as amended removes process (a), and it is believed the rejection is now obviated. Withdrawal of the rejection of Claim 15 is respectfully requested.

Applicants believe the rejections set forth in the Office Action have been overcome by these amendments and remarks. Review and reconsideration of the claims and allowance thereof are respectfully requested.

Respectfully submitted,

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